

April 20, 2004 CPC
May 26, 2004 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0324

Nelson Davis Kyle, II

Matoaca Magisterial District
North line of Ivey Mill Road

REQUEST: Conditional Use to permit outdoor recreational uses.

PROPOSED LAND USE:

A private go-cart track and passive outdoor recreational use are proposed. (Proffered Condition 2)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend denial for the following reason:

The proposed zoning and land use fail to conform with the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Mr. or Mrs. Nelson D. Kyle, II, exclusively, shall not be transferable nor run with the land. (P)
2. This Conditional Use shall be for the purpose of operating a private go-cart track and other private passive recreational uses of the track to include but not necessarily limited to activities such as walking, jogging, bicycle riding and skating. All go-carts shall have mufflers. Use of this facility shall be limited to the property owner, his immediate family members and guests only. The use of other motorized vehicles on the site such as all-terrain vehicles (ATVs) and motorcycles shall not be permitted. The maximum number of carts operating any one (1) time shall be ten (10). (P)
3. Hours. Use of this facility shall be permitted on Wednesday, Friday and Saturday between the hours of 12:00 noon and 5:00 p.m. from October through April and between the hours of 12:00 noon and 8:00 p.m. from May through September. (P)
4. Lighting. Other than security lighting, no outdoor lighting shall be permitted. (P)
5. Signs. No signs shall be permitted to identify this use. (P)
6. Site Improvements. Except for a single asphalt track and incidental improvements such as a monitoring (flagman) stand, there shall be no other improvements/structures and/or tracks. (P)
7. Tree Preservation. Except for trees which are dead, diseased or dying, trees having a caliper of three (3) inches or greater shall be maintained within a seventy-five (75) foot area along the northern, southern and western property boundaries. (P)
8. Security. When the site is not in use, the entrance to the site shall be gated and locked to preclude trespassing. (P)

GENERAL INFORMATION

Location:

North line of Ivey Mill Road, west of River Road. Tax ID 742-630-8924 (Sheet 39).

Existing Zoning:

Agricultural (A)

Size:

4.0 acres

Existing Land Use:

Vacant - asphalt track constructed on-site

Adjacent Zoning and Land Use:

North, South, East and West - A; Large-lot single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the south side of Ivey Mill Road and available to serve the request site. This site is within the Rural Conservation Area of the Southern and Western Area Plan which requires use of the public water system (County Code, Sec. 18-63(b)). However, provision is made in the County Code for property within this area whereby the applicant may pursue from the Planning Commission a waiver of the mandatory use of the public water system during site plan review or, if not subject to the site plan review process, by filing an application with the Planning Department and paying a fee of \$260.00 (County Code 18-63(e)). The Planning Commission may impose conditions to mitigate the impact of any exception that it grants.

Public Wastewater System:

The public wastewater system is not available to serve the request site. This site is within the drainage basin of Cattle Creek and Lake Chesdin (Appomattox River). There are no plans to extend the public wastewater system to serve this area. This site is within the Rural Conservation Area of the Southern and Western Area Plan which requires use of the public wastewater system (County Code, Sec. 18-63(a)). However, provision is made in the County Code for property within this area whereby the applicant may pursue from the Planning Commission a waiver of the mandatory use of the public wastewater system during site plan review or, if not subject to the site plan review process, by filing an application with the Planning Department and paying a fee of \$260.00 (County Code 18-63(d)). The Planning Commission may impose conditions to mitigate the impact of any exception that it grants.

Private Well and Septic System:

The Health Department must approve any new well or septic system or expanded usage of any existing well or septic system to serve this site.

ENVIRONMENTAL

Drainage and Erosion:

The property drains west and then south through tributaries to Lake Chesdin. There are no on- or off-site drainage or erosion problems and none are anticipated as a result of this request.

PUBLIC FACILITIES

Fire Service:

The Phillips Fire Station, Company Number 13, and Ettrick Matoaca Volunteer Rescue Squad currently provide fire and emergency medical service. This request will have a minimal impact on fire and emergency medical service.

When the property is developed, the number of hydrants and quantity of water needed for fire protection will be evaluated during the plans review process.

Transportation:

This request will have a minimal impact on the transportation network.

The Thoroughfare Plan identifies Ivey Mill Road as a collector with a recommended right of way width of seventy (70) feet. When asked, the applicant was not willing to dedicate this right of way to the County.

LAND USE

Comprehensive Plan:

The request lies within the boundaries of the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres.

Area Development Trends:

Surrounding properties are zoned Agricultural (A) and are occupied by single family residential uses on large lots or are vacant. It is anticipated that the area will remain agricultural and forested and that planned development will be deferred for twenty (20) years unless adequate provision is made earlier for public infrastructure improvements.

Use Limitations and Hours of Operation:

Should this request be approved, outdoor recreational uses would be limited to a private go-cart track and other passive recreational uses to include, but not necessarily limited to, activities such as walking, jogging, bicycle riding and skating. Use of the facility shall be limited to the property owner, his immediate family members and their guests. In addition, all go-carts operated on-site shall have mufflers, no all-terrain vehicles (ATVs) and motorcycles are permitted and a maximum of ten (10) go-carts are allowed to operate on site at any one (1) time. (Proffered Condition 2)

Proffered Condition 3 limits use of the facility to Wednesday, Friday and Saturday between the hours of 12:00 noon and 5:00 p. m. from October through April and between the hours of 12:00 noon and 8:00 p. m. from May through September.

Site Design:

Development of the property must meet the minimum requirements for uses within the Agricultural (A) District. In addition, proffered conditions prohibit lighting other than security lighting, signs to identify the use and site improvements/structures other than for a single asphalt track and incidental improvements such as a monitoring (flagman) stand. (Proffered Conditions 4, 5 and 6)

Tree Preservation:

Except for trees which are dead, diseased or dying, all trees having a caliper of three (3) inches or greater shall be maintained within a seventy-five (75) foot area along the northern, southern and eastern property boundaries. (Proffered Condition 7)

Security:

When the site is not in use, the entrance to the site shall be gated and locked to preclude trespassing. (Proffered Condition 8)

CONCLUSIONS

The proposed zoning and land use fail to conform with the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (4/20/04):

The applicant did not accept the recommendation. One (1) person spoke in opposition to the request because of noise.

Mr. Bass stated the proposed use is inappropriate in this area and fails to comply with the recommendations of the Comprehensive Plan.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended denial of this request.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, May 26, 2004, beginning at 7:00 p.m., will take under consideration this request.

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